

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF CALIFORNIA

GREENIE ANTHONY WEAVER  
a/k/a JEROME WEAVER,

Plaintiff,

v.

MICHAEL HENNESSEY; et al.,

Defendants.

No. C 12-896 SI (pr)

**ORDER OF DISMISSAL WITH  
FURTHER LEAVE TO AMEND**

Greenie Anthony Weaver a/k/a Jerome Weaver, an inmate at the San Francisco County Jail, filed this *pro se* civil rights action under 42 U.S.C. § 1983. The court reviewed the complaint, found that it failed to state a claim upon which relief could be granted and gave Weaver leave to amend to attempt to cure the deficiencies in the pleading. He then filed an amended complaint. Like the original complaint, the amended complaint concerns an alleged over-detention at the San Francisco County Jail. However, the amended complaint suffers from the same problem that existed in the original complaint, i.e., the court cannot understand the claim he is trying to assert. As the court explained in the order of dismissal with leave to amend:


[T]he nature of Weaver's over-detention claim cannot be understood from his allegations. The court cannot determine whether Weaver is trying to claim that the court imposed an illegal sentence that the jailers implemented, or that the jailers failed to implement the sentence ordered by the court. He needs to file an amended complaint, clarifying the nature of his claim. If he contends he was subjected to an over-detention (i.e., had to stay in custody longer than allowed by law), he should state when he was released, and when he should have been released. He also needs to link defendants to this claim, by alleging what each proposed defendant did or failed to do that caused a violation of his constitutional rights.

1 Docket # 9, p. 2. Because the amended complaint is as confusing as the original complaint, the  
2 court is unable to determine whether it states a claim upon which relief may be granted. The  
3 court will grant further leave to amend so that Weaver may try once again to allege his claims  
4 in an understandable manner.

5 For the foregoing reasons, the amended complaint is dismissed with leave to amend. The  
6 second amended complaint must be filed no later than **March 29, 2013**, and must include the  
7 caption and civil case number used in this order and the words SECOND AMENDED  
8 COMPLAINT on the first page. Failure to file the second amended complaint by the deadline  
9 will result in the dismissal of the action.

10 IT IS SO ORDERED.

11 Dated: February 8, 2013

  
SUSAN ILLSTON  
United States District Judge